

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

RECOVERY LIMITED PARTNERSHIP,  
Plaintiff,

v.

Civil Action No.: 2:87-cv-00363

UNIDENTIFIED, WRECKED AND ABANDONED  
SAILING VESSEL, etc.,  
Defendant.

ORDER

This matter comes before the Court on the motion of Recovery Limited Partnership (RLP), pursuant to local rules and at the direction of this Court, to file under seal the documents marked as Exhibits 1 and 2 to the memorandum in support of motion to file under seal. Exhibit 1 is a Declaration of Craig T. Mullen. Exhibit 2 is a Declaration of John B. Pidcock. Upon consideration of the motion and related filings, the Court is of the opinion that the motion should be granted.

There are three requirements the Court must consider for sealing court filings: (1) public notice with opportunity to object; <sup>\*</sup>(2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and reject alternatives to sealing. *Flexible Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). Even when no party challenges a motion to seal, the Court must still ensure the motion is supported by good cause. *Auburn Univ. v. IBM Corp.*, No. 3:0-cv-694-MEF, unpublished, 2010 WL 3927737 (M.D. Ala. Oct. 4, 2010).

The Court FINDS that the Declarations attached as Exhibit 1 and Exhibit 2 to the memorandum in support of the motion to seal contain sensitive commercial information that is

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\* See ECF nos. 297, 298, 299, filed June 14, 2023, on the public docket. No objections have been filed to date. -PSS-

confidential in nature for RLP, potential offerors, and the BBC; that public notice has been given; that no objections have been filed; that the public's interest in access is outweighed by the interests in preserving the confidentiality of this commercially-sensitive information; and that there are no less drastic alternatives that appropriately serve these interests.

Accordingly, the Motion to Seal is GRANTED. The Court ORDERS that Exhibit 1 and Exhibit 2 to the memorandum in support of motion to seal shall be and are hereby sealed and omitted from public filing. These materials shall remain sealed until 90 days after a final order is entered in this case and then, unless the case is appealed, be returned at that time to counsel for the filing party.

This 6<sup>th</sup> day of July, 2023.

/s/   
**Rebecca Beach Smith**  
**Senior United States District Judge**

Rebecca Beach Smith  
Senior United States District Judge